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	1 2 3 4 5 6 7 8	GAYLE M. ATHANACIO (State Bar No. 13006 VIRGINIA K. YOUNG (State Bar No. 174384) SHARON ROSSI (State Bar No. 232725) SNR DENTON U.S. LLP 525 Market Street, 26th Floor San Francisco, California 94105 Telephone: (415) 882-5000 Facsimile: (415) 882-0300 Email: gayle.athanacio@snrdenton.com virginia.young@snrdenton.com sharon.rossi@snrdenton.com Attorneys for Defendant KMART CORPORATION	58)
	9	UNITED STATES	DISTRICT COURT
	10	NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION	
	11		
	12	MICHAEL GILHULY, individually, and on	Case No. 4:10-cv-0360-PJH (DMR)
	13	behalf of all others similarly situated,	CLASS ACTION
	14	Plaintiff,	STIPULATION AND [PROPOSED]
	15	Vs. KMART CORPORATION, and DOES 1	ORDER CONTINUING SUBMISSION DATE FOR JOINT LETTER BRIEF RE
	16	through 100, inclusive,	DISCOVERY DISPUTE
	17	Defendants.	
	18		
	19		
	20	Pursuant to Civil Local Rule 6-2 of the U	United States District Court for the Northern
	21	District of California, Plaintiff Michael Gilhuly	("Gilhuly") and Defendant Kmart Corporation
	22	("Kmart"), by and through their respective counsel, hereby stipulate and agree to the following:	
	23	On April 13, 2011, Plaintiff Gilhuly filed before the Honorable Phyllis J. Hamilton, a	
	24	Motion to Compel Further Reponses to Plaintiff's Special Interrogatories (Set One) and Request	
	25	for Production (Set One) ("Motion to Compel")	, with a June 22, 2011 noticed hearing date.
	26	(Docket no. 30). On April 20, 2011, Judge Hamilton issued an Order referring the case to a	
	27	Magistrate Judge for discovery purposes; the case was thereafter assigned to the Honorable	
	28	Magistrate Judge Donna M. Ryu. (Docket no. 3	32). On April 21, 2011 Plaintiff re-noticed the
		Case No. 4:10-cv-0360-PJH (DMR)	STIPULATION AND [PROPOSED] ORDER

Motion to Compel before Judge Ryu. Plaintiff thereafter re-noticed his Motion to Compel with a May 26, 2011 hearing date. (Docket no. 33). Later that same day, Judge Ryu issued an Order vacating the hearing date. In addition, the Court denied Plaintiff's Motion to Compel without prejudice and ordered the parties to comply with certain discovery procedures including those set forth in the subject April 21, 2011 Order. (Docket no. 44 [Notice of Reference and Order re Discovery Procedures]). Pursuant to April 21, 2011 Order, the parties were required to further meet and confer and are to submit a joint letter describing the discovery dispute. This joint letter brief is currently due to be submitted no later than May 6, 2011.

Defendant has agreed to supplement the interrogatory and document request which are the subject of Plaintiff's Motion to Compel and will serve Plaintiff with these supplemented responses and will produce additional responsive documents no later than Friday, May 20, 2011. Defendant believes it appropriate that its portion of the joint letter brief reflect the updated status of its discovery responses. As such, Defendant requested, and Plaintiff agreed, that a stipulation be presented to the Court asking that the joint letter brief due date be extended.

Consequently, the parties hereto stipulate and request that the due date for submission of the joint letter brief regarding the discovery dispute be extended to Friday, May 20, 2011. No prior requests for a continuance regarding discovery have been sought by the parties.

	By: /S/	
	GAYLE M. ATHANACIO	
	Attorneys for Defendant KMART CORPORATION	
Dated: May 6, 2011	SCOTT COLE & ASSOCIATES, APC	
	By: /S/	
	MOLLY A. DESARIO	

Attorneys for Plaintiff MICHAEL GILHULY

SNR DENTON US LLP

Dated: May 6, 2011